

**EXHIBIT 11**

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 03-11140-GAO

WALTER P. HUGHES,  
Plaintiff

v.

ROBERT B. COLLINGS; WILMER, CUTLER & PICKERING, LLP.;  
KROKIDAS & BLUESTEIN, LLP.; KOPELMAN & PAIGE, P.C.;  
PATRICK J. CAROME; DAVID W. OGDEN; PAUL HOLTZMAN;  
KATHERINE GOREE DOYLE; and JOSEPH L. TEHAN, JR., ESQ.,  
Defendants

ORDER  
February 6, 2004

O'TOOLE, D.J.

The Court makes the following orders on pending motions in this matter:

1. The joint motion to dismiss of defendants Wilmer, Cutler & Pickering; Krokidas & Bluestein LLP; Patrick J. Carome; David W. Ogden; and Paul Holtzman (Docket No. 5) is GRANTED for the reasons advanced in the defendants' memorandum of law in support of their motion.
2. The motion to dismiss of defendants Kopelman & Paige, P.C.; Katherine Goree Doyle; and Joseph L. Tehan, Jr. (Docket No. 7) is GRANTED for the reasons advanced in the defendants' memorandum of law in support of their motion.
3. The motion to dismiss of defendant Robert B. Collings (Docket No. 14) is GRANTED. The motion was unopposed and, in any event, the actions taken by Magistrate Judge Collings in Hughes' prior lawsuit were well within his jurisdiction and were done in his official capacity and he is absolutely immune from suit. See Stump v. Sparkman, 435 U.S. 349, 356-57 (1978) ("A judge will not be deprived of immunity because the action he took was in error,

was done maliciously, or was in excess of his authority; rather, he will be subject to liability only when he has acted in the 'clear absence of all jurisdiction.'"(citation omitted).

4. The plaintiff's motion for partial summary judgment on liability against all defendants (Docket No. 22) is DENIED.
5. The defendants' joint motion for a stay of the deadline for filing their oppositions to the plaintiff's motion for partial summary judgment (Docket No. 23) is MOOT.
6. The plaintiff's motion requesting that this judge disqualify himself from sitting in this case pursuant to 28 U.S.C. § 455(a) and (b) (Docket No. 24) is DENIED.

It is SO ORDERED.

February 6, 2004  
DATE

\s\ George A. O'Toole, Jr.  
DISTRICT JUDGE